

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEES: Yamanaka et al.
PATENT NO: 7,355,957
ISSUED: April 8, 2008
FOR: OPTICAL DISC MEDIUM HAVING A SYSTEM
INFORMATION RECORDING AREA OF LOW RECORDING
DENSITY
GROUP: 2627
EXAMINER: Shen, Kezhen DOCKET: NEC WNZ-2664

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR CERTIFICATE OF CORRECTION

Dear Sirs:

Yamanaka et al., the Patentees of the above-identified patent, through their attorney, hereby petition for issuance of a Certificate of Correction in the above identified patent. A Certificate of Correction (PTO form 1050) is enclosed. The Certificate of Correction is required to correct a significant printing error occurring in an omission of a foreign reference from the list of references cited as follows:

JP 2001-126268 5/2001

Enclosed is a copy of the Information Disclosure Statement filed September 28, 2007 and a copy of a transmittal letter filed notifying the PTO that the IDS was never acknowledged. Since the errors were a Patent Office error, it is believed that the Certificate of Correction should be issued without charge to the Applicant.

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Respectfully submitted,



Norman P. Soloway
Attorney for Patentees
Reg. No. 24,315

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being deposited with the United States Patent Office
via the electronic filing procedure on June 15, 2009 at
Tucson, Arizona.



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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 7,355,957

Page 1 of 1

APPLICATION NO. : 10/822,373

ISSUE DATE : April 8, 2008

INVENTOR(S) : YAMANAKA et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The following reference should be included on the face page of the patent:

JP 2001-126268 5/2001

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Norman P. Soloway
HAYES SOLOWAY P.C.
3450 E. Sunrise Drive, Suite 140
Tucson, Arizona 85718

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: YAMANAKA et al.

Serial No.: 10/822,373

Filed: April 12, 2004

For: OPTICAL DISC MEDIUM HAVING A SYSTEM INFORMATION RECORDING
AREA OF LOW RECORDING DENSITY

Group: 2609

Confirmation No. 2827

Examiner: SHEN, KEZHEN

DOCKET: NEC WNZ-2664

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

The Acknowledgement of Request mailed February 28, 2008 is not understood.

Applicants note that an Information Disclosure Statement was in fact mailed on September 28, 2007, and received at the Patent Office on October 3, 2007. An additional copy of the Information Disclosure Statement mailed September 28, 2007 and a copy of the return postcard showing receipt by the USPTO on October 3, 2007 is enclosed for convenience of the Patent Office.

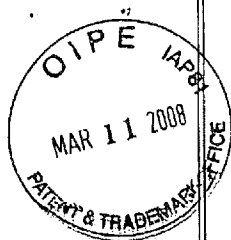
Entry of the Supplemental Information Disclosure Statement is respectfully requested.

Respectfully submitted,

Norman P. Soloway
Reg. No. 24,315
Attorney for Applicants

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Serial No. 10/822,373
Docket No. NEC WNZ-2664
Transmittal Letter

CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to MAIL STOP ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 7, 2008 at Tucson, Arizona.

By: 

NPS:sb

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: YAMANAKA et al.

Serial No.: 10/822,373

Filed: April 12, 2004

COPY

For: OPTICAL DISC MEDIUM HAVING A SYSTEM INFORMATION RECORDING
AREA OF LOW RECORDING DENSITY

Group: 2609

Confirmation No. 2827

Examiner: SHEN, KEZHEN

DOCKET: NEC WNZ-2664

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants hereby attach U.S. Patent Office form PTO-1449, including a copy of the reference listed therein. Where available, an English language abstract is being provided for the Examiner's convenience. This reference was cited in a Japanese Office Action dated July 25, 2007 issued in the Japanese counterpart utility patent application. Enclosed is a copy of the Japanese Office Action, together with an English translation of the relevant portions thereof. The claims in the present application are believed to be patentably distinguished over these references.

This Supplemental Information Disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

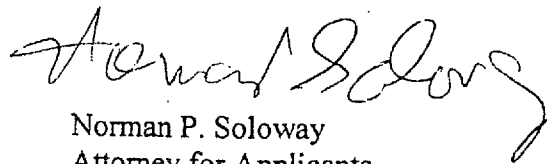
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In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in related foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted therewith.

The enclosed Supplemental Information Disclosure Statement is being submitted within three months of the Japanese Office Action, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicants
Registration No. 24,315

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 28, 2007 at Tucson, Arizona.

By: _____

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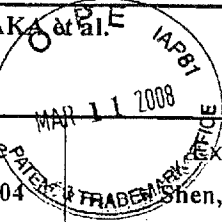
STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Docket No.
NEC WNZ-2664

In Re Application Of: YAMANAKA & Co., Ltd.

Application No.
10/822,373

Filing Date
April 12, 2004



Examiner
Shen, Kezhen

Customer No.
27667

Group Art Unit
2609

Confirmation No.
2827

Invention: OPTICAL DISK MEDIUM HAVING A SYSTEM INFORMATION RECORDING AREA OF LOW
RECORDING DENSITY

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

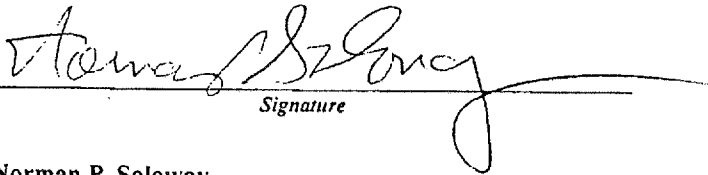
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Dated: September 28, 2007

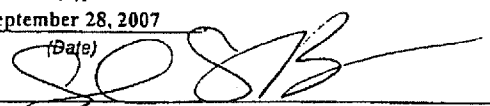
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Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

September 28, 2007

(Date)

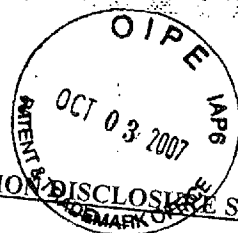


Signature of Person Mailing Correspondence

Shauna Bronson

Typed or Printed Name of Person Mailing Correspondence

cc:



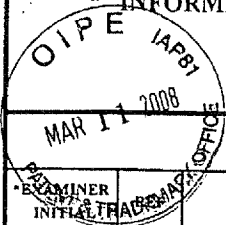
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Appln. Of: YAMANAKA et al.
Serial no.: 10/822,373
Filed: April 12, 2004
For: OPTICAL DISC MEDIUM HAVING A SYSTEM ...
Docket: NEC WNZ-2664

- Received:
1. Supplemental Information Disclosure Statement (3 pgs)
 2. PTO-1449 (1 pg)
 3. 1 cited reference
 4. Certificate under 37 CFR 1.97(e) (1 pg)
 5. *JP Office Action + translation (3 pgs)*

9/28/07 sb

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)



Docket Number (Optional) NEC WNZ ~ 664	Application Number 10/822,373
Applicant(s) YAMANAKA et al.	
Filing Date April 12, 2004	Group Art Unit 2609

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	JP 2001-126268	2001.5.11	Japan (w/ Abstract)	G11B	7/007		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

8

拒絶査定

特許出願の番号	特願2004-090902
起案日	平成19年 7月17日
特許庁審査官	溝本 安展 9473 5D00
発明の名称	光ディスク媒体および光ディスク装置
特許出願人	日本電気株式会社 (外 1名)
代理人	池田 憲保

この出願については、平成19年 5月28日付け拒絶理由通知書に記載した理由によって、拒絶をすべきものである。

なお、意見書及び手続補正書の内容を検討したが、拒絶理由を覆すに足りる根拠が見いだせない。

備考

【請求項1～3】

出願人は平成19年6月27日付け意見書において、上記拒絶理由通知書にて挙げた引用文献1～2にはPRMLの品質基準や最短ビット長関係を整数倍にする記述が見られず、本願発明は進歩性を有する旨を主張している。

しかしながら、当該請求項に係る発明における最短ビット長L1及びL2、PR SNRの満たすべき条件における数値限定構成は、実際の光ディスクシステムで許容される値という当業者のきわめて曖昧な主観的な要求を満たすための条件であって、技術的に臨界的意義を有しない当業者が適宜選択し得る設計的事項にすぎず、且つ、異なる種別のビット長を整数倍にする構成自体も、例えば特開2001-126268号公報にあるように光ディスクの技術分野において周知慣用された構成にすぎない。

したがって、出願人の上記主張は採用することができない。

この査定に不服があるときは、この査定の謄本の送達があった日から30日以内（在外者にあつては、90日以内）に、特許庁長官に対して、審判を請求することができます（特許法第121条第1項）。

（行政事件訴訟法第46条第2項に基づく教示）

この査定に対しては、この査定についての審判請求に対する審決に対してのみ取消訴訟を提起することができます（特許法第178条第6項）。

上記はファイルに記録されている事項と相違ないことを認証する。

認証日 平成19年 7月18日 経済産業事務官 平瀬 恵美子

...

...a numerical limit construction for the conditions that should fulfill the shortest pit lengths L1 and L2, PRSNR in the invention pertaining to the stated claims is a condition for fulfilling the vague essential requirements for one skilled in the art with a value that can be permitted in an actual optical disk system, and does not have a technologically critical meaning and does not exceed a matter of design that is suitably selected by one skilled in the art, and the structural items with different assorted pit lengths also do not exceed a construction that is conventional knowledge in the technological field of optical disks as in, for example, the Publication of Japanese Patent No. 2001-126268.

...